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September 20, 2004

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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Federal Communications Commission
Office of Secretary

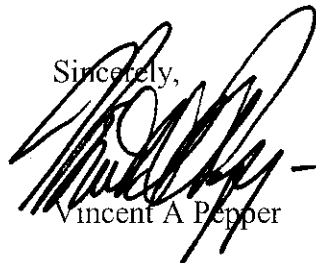
Re: MB Docket No. 04-281
RM - 10591

Dear Ms. Dortch:

Transmitted herewith on behalf of Television Capital Corporation of Mobile, a Petitioner in the above-referenced rule making, are an original and four (4) copies of its Comments.

Should any further information be desired in connection with this matter, please communicate with this office.

Sincerely,



Vincent A Pepper

Enclosures (5)

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION **RECEIVED**
Washington, D.C. 20554

SEP 20 2004

In the Matter of)	Federal Communications Commission
)	Office of Secretary
Amendment of Section 73.606(b),)	MB Docket No. 04-281
Table of Allotments,)	RM-11041
Television Broadcast Station; and)	
Section 73.622(b), Table of Allotments,)	
Digital Broadcast Television Stations,)	
(Mobile, Alabama))	

To: Chief, Video Division, Media Bureau

COMMENTS

Television Capital Corporation of Mobile ("TCCM"), by its attorneys and pursuant to Section 1.415 of the Commission's rules, 47 C.F.R. § 1.415, hereby submits its comments in response to the *Notice of Proposed Rule Making* ("Notice") issued in the above-captioned proceeding.¹ The *Notice* proposes to amend the NTSC Television Table of Allotments and the Digital Television ("DTV") Table of Allotments by removing NTSC channel 61 at Mobile, Alabama and, in its place, adding DTV channel 18 at Mobile, Alabama. TCCM supports the *Notice* for the reasons set forth herein.

Background

In 1996, TCCM, Fant Broadcasting Development, L.L.C. ("Fant"), and Marri Broadcasting, L.P. ("Marri") filed mutually exclusive applications for a construction permit to operate on NTSC channel 61 at Mobile. In 1998, the three applicants resolved mutual exclusivities and filed, on January 30, 1998, a "Joint Approval of Universal Settlement

¹ *In re Amendment of Section 73.606(b), Table of Allotments, Television Broadcast Stations; and Section 73.622(b), Table of Allotments, Digital Broadcast Television Stations (Mobile, Alabama), Notice of Proposed Rule Making*, MB Docket No. 04-281, DA 04-2261 (rel. July 29, 2004) ("Notice").

Agreement” seeking grant of the TCCM application and the dismissal of the applications submitted by Fant and Marri. Concurrently, TCCM and Paxson Communications Corporation (“Paxson”) submitted an amendment to the surviving application seeking the substitution of Paxson as the surviving applicant. The amendment is still pending without action. These Comments are being submitted herewith by TCCM out of an abundance of caution. If the pending amendment to substitute Paxson for TCCM is approved by the Commission, then these Comments are unnecessary. If, however, for any reason, the pending substitution of Paxson for TCCM is not approved by the Commission, then, and in that event, the “Joint Approval of Universal Settlement Agreement” request would control the disposition of this case and that Agreement seeks the grant of the TCCM application as a part of the settlement.

It is anticipated that the substitution amendment will be approved by the Commission and that these Comments will, therefore, become unnecessary.

On May 15, 2001, the parties filed an amendment proposing to substitute DTV channel 18 in lieu of NTSC channel 61 at Mobile, and to eliminate NTSC channel 61 from the NTSC Table of Allotments. On June 1, 2004, the parties submitted a second amendment in order to resolve potential interference issues with respect to the operations of WMAU-DT, channel 18 at Bude, Mississippi. On July 29, 2004, the Media Bureau released the *Notice* proposing to adopt the parties’ proposal, as amended.

Discussion

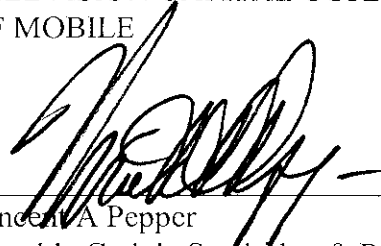
For the reasons set forth in the prior pleadings filed by the parties in this proceeding, and as reiterated in these Comments, TCCM requests that the Commission adopt the proposals contained in the *Notice*.

TCCM hereby incorporates by reference the pleadings that previously have been filed by the parties in this proceeding. In addition, in compliance with Paragraph 2 of the Appendix to the *Notice*, TCCM hereby states its present intention to apply for DTV Channel 18 if that channel is allotted at Mobile, Alabama. In addition, if such application is granted by the Commission, TCCM hereby restates its present intention to promptly construct facilities to operate on that channel.

Accordingly, TCCM respectfully requests that the Commission adopt the proposals contained in the *Notice*.

Respectfully submitted,

TELEVISION CAPITAL CORPORATION
OF MOBILE

A handwritten signature in black ink, appearing to read 'Vincent A. Pepper', is written over a horizontal line.

Vincent A. Pepper
Womble Carlyle Sandridge & Rice
1401 Eye Street, N.W.
Seventh Floor
Washington, DC 20005
Tel: (202) 467-6900

Its Attorneys

September 20, 2004

CERTIFICATE OF SERVICE

I, G. Hiroko Taguchi, a secretary at the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that true copies of the foregoing "Comments" were mailed, postage prepaid on this 20th day of September, 2004, to the following:

Barbara A. Kreisman, Esq.*
Division Chief, Video Services Division
Media Bureau
Federal Communications Commission
445 Twelfth Street, S.W., Room 2-A666
Washington, DC 20554

Scott S. Patrick, Esq.
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, DC 10036-6802

Charles R. Naftalin, Esq.
David A. O'Connor, Esq.
Holland & Knight LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, DC 20006
(Counsel for Paxson Communications Corporation)

Thomas J. Dougherty, Jr., Esq.
Gardner, Carton & Douglas
1301 "K" Street, N.W.
East Tower, Suite 900
Washington, DC 20005-3317
(Counsel for Marri Broadcasting, L.P.)

Howard M. Miles, Esq.
2301 First Avenue North
Suite 104
Birmingham, AL 35203
(Counsel for Fant Broadcast Development, L.L.C.)



G. Hiroko Taguchi

*Via Hand Delivery